

# MINUTES

## BASEHOR CITY COUNCIL

December 18, 1995

7:30 PM

Basehor City Hall

**OFFICIAL PRESIDING: MAYOR BRYCE D. BETTIN**

**MEMBERS PRESENT: CHARLES WILDERSON, JERRY BARLOW, JOSEPH ODLE,  
JOHN PFANENSITEL AND ROBERT VERVAECKE**

**OTHERS PRESENT: John Thompson, City Attorney**                      **Jane Scherer, City Treasurer**  
**Vince Weston, Chief of Police**                                      **William Mogle, Wastewater Op.**  
**Mary Mogle, City Clerk**    **Joe Scherer & Vic Ziegler, Plan. Com.**  
**Citizens of Basehor**

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The monthly meeting of the Basehor City Council was called to order at 7:30 PM by Mayor Bryce Bettin. Pledge of Allegiance was recited followed by roll call. All members were present.

### ***APPROVAL OF MINUTES***

A motion was made by R. Vervaecke and seconded by J. Odle to approve the Minutes of November 20, 1995, November 30, 1995 and Telephone poll of December 5, 1995 as written. All Aye. Motion Carried 5-0.

### ***APPROVAL OF TREASURERS REPORT & INVESTMENTS***

City Treasurer, Jane Scherer, explained the annual transfers and investments necessary for year end:

1. \$30,000.00 Annual transfer from General Fund to Capital Improvement Fund
2. \$4,000.00 Annual transfer from Sewer Fund to Bond and Interest Fund
3. Reinvest Certificate of Deposit #20078 with First State Bank (maturity date 1/8/96)
4. Invest 12/14/95 Treasury Bill into two \$50,000.00 Certificates of Deposit. One for six months and the others one for for one year.
5. Approve Intrafund Transfers in the General and Sewer Funds

C. Wilderson moved to approve the Treasurer's recommendations as stated above and approve the November 1995 Treasurer's report as submitted. J. Barlow seconded the motion. All Aye. Motion Carried 5-0.

### ***APPROVAL OF MUNICIPAL COURT REPORT***

It was moved and seconded by R. Vervaecke and C. Wilderson to approve the November 1995 Municipal Court Report as submitted. All Aye. Motion Passed 5-0.

### ***CITIZENS AND PETITIONS***

Mayor Bettin announced the next three agenda items are submitted for public input:

Item #1 - Adoption of an Ordinance amending the Zoning Regulations to Regulate Accessory Buildings

There was no public input at this time.

Item #2 - Adoption of an Ordinance amending the Subdivision Regulations pertaining to Inspection Procedures and Performance & Maintenance Bonds.

There was no public input at this time.

Item #3 - Adoption of an Ordinance prohibiting the use of Grinders Pumps on public and private sewer systems.

Don Wilson, resident of Kansas City, Kansas, spoke in favor of grinder pumps. He explained to the Board he has signed a contract to purchase property at 15416 Ripley which is currently served by a septic tank. The tank is in good condition, however, the laterals are in need of repair. He requested Council allow him to fix the laterals or install a grinder pump that would allow him to connect to the city sewer system. If Council directed him to take his service line to the nearest gravity flow area, it would mean he would have to install over 1,000 ft. of pipe and gain easements across three properties.

Clerk Mogle reported she has conferred with Leavenworth County Health Department and Kansas Dept. of Health & Environment as to whether Mr. Wilson can repair the laterals or if the city is forced to make him connect to city services. Both divisions agreed that the laterals can be repaired if the property passes a percolation test and is connected to rural water. Currently the well water is too close to the septic system according to State regulations.

J. Odle moved to allow the repair of the septic lateral lines at 15416 Ripley if the County Health Department approves the percolation test and a diagram be submitted for approval by the city engineer. J. Barlow seconded the motion. All Aye. Motion Carried 5-0.

***BASEHOR PARK ADVISORY BOARD***

There will be no December meeting.

***BASEHOR PLANNING COMMISSION***

No topics to discuss at this time.

***CITY ENGINEER***

SEWER FACILITY PLAN MEETING - A meeting will be held on January 8, 1996 at 7:00 PM to review the plan submitted by BG Consultants. Mayor Bettin requested Council submit to him or the engineer any questions prior to the meeting. This will help expedite Council action.

STORM SEWER RECOMMENDATIONS - Mayor Bettin announced he will be meeting the city engineer on Wednesday, December 20th, to look at the areas needing grates installed.

***CITY CLERK***

JANUARY MEETING - City Clerk, Mary Mogle, questioned if the Council wishes to reschedule the January meeting since it falls on a holiday.

A motion was made by C. Wilderson and seconded by R. Vervaecke to reschedule the January meeting to the 16th of January at 7:30 PM. All Aye. Motion Carried 5-0.

**CHIEF OF POLICE**

Nothing to discuss at this time.

**CITY ATTORNEY**

ACCESSORY BUILDING ORDINANCE - J. Odle moved to adopt the Ordinance amending the Zoning Regulations pertaining to accessory buildings as written. C. Wilderson seconded the motion. All Aye. Motion Carried 5-0.

**ORD. 283 - AN ORDINANCE TO ADOPT A REVISION TO THE USE OF ACCESSORY BUILDINGS IN THE BASEHOR, KANSAS ZONING REGULATIONS, ORDINANCE 241.**

INSPECTION PROCEDURE ORDINANCE - Councilman R. Vervaecke requested Section 3.05.02 of the proposed ordinance be redrafted to add that the inspections are for the city's benefit and also make it clear that acceptance of improvements includes only the public portion of those improvements, therefore, it does not include sewer stub lines and connections which is the responsibility of the owner not the city.

Councilman Pfannenstiel added the inspection section is ambiguous where it states all inspections are subject to Council approval. This would bog down the progress of a project.

The city attorney was directed to refine the ordinance and resubmit at the January 16, 1996 meeting.

GRINDER PUMPS - Mayor Bettin questioned if the matter brought up during Citizens and Petitions would be grandfathered. Attorney answered yes, the ordinance can be modified to address each situation case by case. Pfannenstiel suggested sending this matter back to the planning commission for a public hearing since it is an addendum to the subdivision regulations.

Council discussed the city's responsibility for long term maintenance. Wastewater operator, Bill Mogle, explained the way a grinder pump works. Pfannenstiel would like to see the ordinance amended to prohibit grinder pumps unless approved by the Council. Thompson stated if that was the case, Council would have to make draft a finding of facts each time they addressed a request for a grinder pump.

A motion was made by J. Barlow and seconded by J. Odle to approve the ordinance as written. Discussion followed. Barlow and Odle withdrew their motions so the matter could be referred to the planning commission. Pfannenstiel asked that the ordinance also consider a clause giving the Council the option to approve a grinder pump in case by case situations.

J. Pfannenstiel moved to refer the matter back to the planning commission for a public hearing and make a recommendation on whether or not to allow grinder pumps. C. Wilderson seconded the motion. All Aye. Motion Carried 5-0.

CABLE FRANCHISE AGREEMENT - Thompson reported Galaxy Cable Co. agreed to modify the number of channels, provide a local channel to the school district and extend cable services from 147th St. east to 142nd Street and south to State Avenue. The only item the company did not agree on was the clause stating there would be no rate increases for a period of one year. From a legal stand point the city cannot regulate prices by federal law.

C. Wilderson moved to approve the ordinance entering into a franchise agreement with Galaxy Cable Co. and delete the clause "no rate increases for a period of one year". J. Odle seconded the motion. All Aye. Motion Carried 5-0.

**ORD. 284 - AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO GALAXY TALCUM, LP ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF BASEHOR, KANSAS, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE, AND PROVIDING FOR CITY REGULATION AND USE OF THE CABLE TELEVISION SYSTEM.**

QUORUM ORDINANCE - Mayor Bettin informed Council the purpose of this ordinance is to allow Council to divide up into committees and attend various work sessions.

Thompson noted the ordinance does give leeway under conditions of the "Open Meetings Act", however, cautions Council to be careful to follow the guidelines of the law.

A motion was made by C. Wilderson to amend the Charter Ordinance to change the existing quorum of three to four members as presented. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 5-0.

CODE OF ETHICS - Thompson noted that since the last month he has added a paragraph to the proposed Code of Ethics ordinance. It reads as follows: No public officer shall make any statements or solicit anything from the press or public that may be construed as that officer is representing the City of Basehor. Such statements and solicitations shall only be made with the majority vote of the City Council. Thompson suggested passing the code in ordinance form rather than resolution. This would allow for an investitory process.

A motion was made by C. Wilderson and seconded by J. Pfannenstiel to table the passage until the January 16, 1996 meeting. Wilderson, Pfannenstiel, Barlow and Vervaecke- Aye. Odle-Nay. Motion Carried 4-1.

PARLIAMENTARY PROCEDURE - Thompson reported that at last month's meeting, he gave a legal opinion regarding a parliamentary procedure that was strongly appealed by Councilman Pfannenstiel. It is still in his opinion that once the original motion is made and seconded, there has to be a vote taken previous to acting on a second motion. He noted he has been city attorney since 1983 and Council has always handled their procedures this way. If the Council wants to start following parliamentary procedure to the letter, he asked that Mr. Pfannenstiel be appointed as the parliamentarian. Thompson stated he vows to "bone up" on Robert's Rules of Order if the Council wishes to become more strict with the way they run their meetings. Mayor Bettin agreed to follow stricter procedures if this is the wishes of the Council. Pfannenstiel asked Council to become more familiar with Robert's Rules of Order. Councilman Vervaecke stated Mr. Pfannenstiel is not as versed in Robert's Rules of Order as he thinks or he would have appealed last month's action. Vervaecke asked that a copy of Robert's Rules of Order be purchased and left in the meeting room so that all the Boards would have access to it.

***MAYOR'S REPORT***

REAPPOINTMENT OF BUILDING INSPECTOR - Mayor Bettin asked for the reappointment of Michael Bilyk as building inspector until May 1996. Odle questioned if Bilyk was going to inspect all builders. Mayor Bettin answered "no".

J. Pfannenstiel moved to postpone the appointment and address the matter in executive session under personnel. R. Vervaecke seconded the motion. All Aye. Motion Carried 5-0.

RESIGNATION OF JOYCE BOWLIN - A motion was made by J. Pfannenstiel and seconded by R. Vervaecke to accept the resignation of Joyce Bowlin as the recording secretary to the planning commission.

WAGE INCREASE - Mayor Bettin presented Council with a proposal to increase certain employees wages from 3-5% effective January 1, 1996. He noted he anticipates looking at another cost of living increase in June 1996 for all employees.

The proposed wage increase was made as follows:

Jenny Laytham - 5%  
Mary Mogle - 3%  
Vince Weston - 3%  
Martin Cigich - 3%  
Bill Mogle - 3%

A motion was made by C. Wilderson to approve the Mayor's proposal and grant increases to the Jenne Laytham, Mary Mogle, William Mogle, Vince Weston and Martin Cigich. J. Pfannenstiel second the motion. All Aye. Motion Carried 5-0.

REPAIR OF JOHN DEERE MOWER - Mayor Bettin reported the estimate to fix the John Deere mower is approximately \$1,350.00. The mower will be used as a backup mower.

J. Odle moved to repair the John Deere mower after January 1, 1996. R. Vervaecke second the motion. All Aye. Motion Carried 5-0.

WORK SESSION - Mayor Bettin informed the Council he will be asking for several work sessions after the first of the year regarding maintenance, personnel and budgets.

APPROVAL OF CEREAL MALT LICENSE - J. Barlow moved to approve 1996 Cereal Malt License for Rose Room, John's Grocery and Casey's. J. Odle second the motion. Barlow, Odle, Pfannenstiel and Vervaecke-Aye Wilderson-Nay. Motion Carried 4-1.

APPROVAL OF LIQUOR LICENSE - A motion was made by R. Vervaecke and seconded by J. Barlow to approve 1996 Liquor License to Kelley's Bar & Grill and Rumsey's Liquor Store. Vervaecke, Barlow, Odle and Pfannenstiel-Aye. Wilderson-Nay. Motion Passed 4-1.

### ***COUNCIL MEMBERS REPORTS***

CHARLES WILDERSON reported city clerk, Mary Mogle, informed him PRIDE could leave a small file cabinet in the storage cabinet of the meeting room since they hold all there meetings at city hall. He asked if this was acceptable with the City Council. Council approved as long as there continues to be adequate room.

Wilderson also reported volunteers of PRIDE and Lions Club are helping the city hang and take down the holiday banners this year. PRIDE and Jaycees are looking into purchasing better decorations next year.

A request was made by Wilderson to have the planning commission give the Council a proposal about what to do with old sidewalks and parking between Maple and Ripley Street. He noted it has become dangerous in front of the library. Chief Weston was instructed to study the parking problems at the library. It was also suggested the planning board contact the county to discuss their responsibility within their right-of-way.

JERRY BARLOW requested a proclamation be passed in memory of Derald Pouppirt who passed away last week. Barlow noted Mr. Pouppirt was an active member in the community, church and school.

***EXECUTIVE SESSION***

A request was made by Mayor Bettin to go into a thirty minute executive session to discuss personnel and pending litigation with legal counsel.

J. Pfannenstiel moved to adjourn into a thirty minute executive session to discuss personnel and attorney-client privileges. J. Odle second the motion. All Aye. Motion Carried 5-0. (9:15 PM)

At 10:00 PM the meeting was called back to order by Mayor Bettin with no action taken from the executive session.

***ADJOURNMENT***

There being no further business to discuss, Mayor Bettin entertained a motion to adjourn. R. Vervaecke moved with a second by J. Odle to adjourn the meeting. All voted unanimously in favor. Meeting Adjourned at 10:05 PM.

Submitted for Council approval with without corrections this 16th day of January 1996.

  
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Bryce D. Bettin, Mayor

  
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Mary A. Mogle, City Clerk